(Translation)

Interrogation of Women

*454. SHRI JAI PRAKASH AGARWAL : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the National Human Rights Commission has expressed its reservations about the child labour system and tendency of interrogation of women in the Police Station after the sunset and has also impressed upon the need for reforms in this regard;

(b) if so, the reaction of the Government thereto,

(c) whether the National Human Rights Commission had also given suggestions/directions to the Government during the last three years in the matter,

(d) if so, the details thereof along with the action taken by the Government thereon,

(e) whether the Government propose to issue directions to the State Governments in this regard;

(f) if so, the time by which; and

(g) if not, the reasons therefor?

THE MINISTER OF HOME AFFAIRS : (SHRI INDRAJIT GUPTA) (a) Yes, Sir. The National Human Rights Commission (NHRC) has expressed its concern and objection to the prevalence of child labour, including those employed in hazardous industries, and has made recommendations towards its elimination. However, the Commission has not discerned a general pattern about the interrogation of women in the police station after sunset, and has not issued general instructions in this regard.

(b) Government is fully conscious and alive to the problem of child labour and need for its elimination. Government has taken a series of steps to tackle the problem of child labour. A National Policy on Child Labour was announced in August, 1987 which, inter alia, comprises :

- a legislative action plan;
- focussing of general development programmes for benefitting children whenever possible; and
- project based action plans in areas of high concentration of child labour engaged in wage/quasi-wage employment.

A major programme has been launched by the Government of India in August, 1994 to eliminate child labour working in hazardous occupations by the year 2000 A.D. Under the programme, an estimated 20 lakh children are sought to be brought out of work and put in special schools. During 1995-96, an amount of Rs. 34.40 crores was allocated for child labour related programmes. By the end of 1995-96, a total of 76 child labour projects have been sanctioned to cover around 1.5 lakh children through special schools to provide non-formal education, vocational training, nutrition, stipend etc. During the current year, tentative allocation of Rs. 56 crores has been made for the purpose.

A National Authority for Elimination of Child Labour (NAECL) has been constituted under the chairmanship of the Union Labour Minister to tackle the problem of child labour. The NAECL has adopted a plan of action titled "Identification, release and Rehabilitation of Child Labour" to deal with the problem of child labour in the country. Briefly, it calls for the convergence of services and schemes of the Central and State Government at the implementing level, the district, to effectively handle the identification and rehabilitation of child labour, the economic rehabilitation of the family depending on child labour and strict enforcement of relevant laws. The plan of action has been sent to all States and Union Territories for adoption.

Through the now universalized ICDS Network and IMY Network, Government is assisting in preventing children from entering into the labour force by ensuring that children in the age group of 0-6 years attend/come to the ICDS Anganwadi Centres located in child labour endemic areas and encouraging mothers to send their children to Anganawadi Centres and then schools. All blocks in identified child labour endemic districts have been covered under the Universalization of ICDS Scheme during 1995-96 for ensuring that child labour is eliminated within these districts.

(c) and (d) Yes, Sir. The NHRC has made recommendations on the question of child labour in its Annual Reports for the years 1994-95 and 1995-96. In the Annual Report for the year 1994-95, tabled in both Houses of the Parliament on 26.8.1995 along with a memorandum of action taken on the recommendations, the Commission had, interalia, recommended, (i) adoption of appropriate legislation on compulsory primary education, matched with the necessary resources required for the purpose, (ii) early action on central government's proposal to amend the Child Labour (Prohibition) and Regulation Act, with a view to strengthening its provisions and (iii) expeditious and effective implementation of the child labour project for the glass-works industry of Ferozabad, U.P. for which the Commission had stimulated the preparation and implementation of an integrated programme, involving the coordinated efforts of a number of Central Ministries and U.P. Government, NGOs and others.

As far the recommendation regarding adoption of appropriate legislation on compulsory education, Government agrees that the promotion of education helps in eradication of child labour. Government of India has initiated a number of steps to achieve universalization of elementary education which includes operation Black-Board, National Programme of Nutritional Support to Primary Education, District Primary Education Programme, etc. In addition, the State Governments have also taken steps to provide incentives which include exemption from tuition fee up to upper primary stage (Class I to VIII); provision of free text books; provision of free uniform and attendance scholarship.

In its endeavour to ensure education for all by 2000 AD, the United Front Government has resolved to make free and compulsory education a fundamental right. Government has initiated widespread consultation at the political level and with educational experts with a view to carefully examining the financial, administrative and legal implications. The proposal was discussed in the conference of State Education Ministers and State Education Secretaries, held on 9-10 August, 1996 in which Chairperson and other Members of the National Human Rights Commission participated. The Conference recommended constitution of a Committee under the Chairmanship of an Union Minister of State for Human Resource Development (Education) to examine the various legal, financial, administrative and academic implications of the proposal to make free and compulsory elementary education a fundamental right. The Committee has since been constituted.

As regards the recommendation regarding early action on the amendment to Child Labour (Prohibition and Regulation) Act, the Government is examining a number of suggestions with a view to amending the Act to lend it more teeth. Government of India has also been impressing upon the state Governments from time to time to strictly enforce the child labour related laws.

As for the child labour project, Ferozabad, children are taken out of hazardous work and put into special schools where they are provided with non-formal education, vocational training, stipends, health checks and nutrition etc. So far 40 special schools have been sanctioned in favour of this project. All these special schools have become operational. By the end of March, 1996, a total of 2926 children have been withdrawn from work and put in the special schools. The parents of such children are also being covered under poverty alleviation and employment generation schemes in order to improve their economic conditions.

The NHRC has dealt with the question of child labour in its Annual Report for the year 1995-96 also, submitted to the Government recently. The report will be laid on the Table of both Houses of Parliament alongwith a Memorandum of Action Taken on the recommendations of the Commission.

(e) to (g) As mentioned in answer to part (b) above, the plan of action prepared by the NAECL has been sent to all States and Union Territories for adoption. Further, as mentioned in answer to parts (c) and (d) above, the Government of India has also been impressing upon the State Governments from time to time to strictly enforce the child labour related laws.

Detenu In Jails

*455 SHRI SONTOSH MOHAN DEV :
DR. T. SUBBARAMI REDDY :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the Supreme Court has ordered the respective courts to release all the detenu in the jails whose trials were pending for one year or more for the offences attracting imprisonment upto seven years;

(b) the number of such undertrials at present, State-wise, and

(c) the steps taken in compliance with the Supreme Court's order for their early release and trials?

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA) : (a) In its judgement dated 1.5.1996 in the Writ Petition (C) No. 1128 to 1986, "Common Cause" Vs. Union of India and others, the Supreme Court of India has, interalia, made the following directions :

(i) Where the offences under I.P.C. or any other law for the time being in force for which the accused are charged before any criminal court are punishable with imprisonment not exceeding three years, with or without fine, and if trials for such offences are pending for one year or more and the concerned accused have not been released on bail but are in jail for a period of six months or more, the concerned criminal court shall release the accused on bail or on personal bond to be executed by the accused and subject to such conditions, if any, as may be found necessary, in the light of Section 437 of the Criminal Procedure Code (Cr.P.C.).

(ii) Where the offences under I.P.C. or any other law for the time being in force for which the accused are charged before any criminal court are punishable with imprisonment not exceeding five years, with or without fine, and if the trials for such offences are pending for two years more and the concerned accused have not been released on bail but are in jail for a period of six months or more, the concerned criminal court shall release the accused on bail or on personal bond to be executed by the accused and subject to the imposing of suitable conditions, if any, in the light of Section 437 Cr.P.C.

(iii) Where the offences under I.P.C. or any other law for the time being in force for which the accused are charged before any criminal court are punishable with seven years or less, with or without fine, and if the trials for such offences are pending for two years or more and the concerned accused have not been released on bail but are in jail for a period of one year or more, the concerned criminal court shall release the accused on bail or on personal bond to be executed by the accused and subject to the imposing of suitable conditions, if any, in the light of Section 437 Cr.P.C.

(b) Such information is not maintained by the Central Government.

(c) The follow up action on the directions of the Supreme Court is to be taken by the concerned Courts/authorities in the States.